

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

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THE PEOPLE OF THE STATE OF CALIFORNIA,	)	
	)	
Plaintiff,	)	
vs.	)	Case No.
	)	21-SF-006855-A
ALEXANDER LEVY,	)	
	)	
Defendant.	)	
_____	)	

**REPORTER'S EXCERPTED TRANSCRIPT OF PROCEEDINGS**

**TESTIMONY OF WITNESS TOBIAS WULFF**

BEFORE THE HONORABLE DONALD J. AYOOB, JUDGE

DEPARTMENT 27

THURSDAY, NOVEMBER 17, 2022

A P P E A R A N C E S:

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**SESSIONS**

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1 THURSDAY, NOVEMBER 17, 2022

REDWOOD CITY, CA

2 MORNING SESSION

3 P R O C E E D I N G S

4 MS. DAVIS: At this time, Your Honor, the  
5 People call Tobias Wulff to the stand.

6 THE COURT: Come on up here. Please stand next  
7 to this beige chair, face the clerk, and raise your right  
8 hand.

9 THE CLERK: Do you solemnly state under penalty  
10 of perjury that the evidence you shall give in this  
11 matter shall be the truth, the whole truth, and nothing  
12 but the truth?

13 THE WITNESS: I do.

14 THE CLERK: Thank you. Please be seated.

15 And for the record, can you state and spell  
16 your first and last name, please?

17 THE WITNESS: Yes. My name is Tobias Wulff.  
18 First name Tobias, T-o-b-i-a-s. Last name Wulff,  
19 W-u-l-f-f.

20 THE COURT: Mr. Wulff, first of all, I'm not  
21 sure that that microphone is on.

22 Thank you.

23 Have you testified before?

24 THE WITNESS: I have not.

25 THE COURT: Okay. So a few quick rules of the  
26 road. Please make yourself comfortable. Move the mic

1 any way you want to so you sit comfortably and speak into  
2 the microphone.

3 Please wait until the attorney's question is  
4 complete before you begin your answer, even if you know  
5 what the answer is before they stop. If two people are  
6 speaking at the same time, it makes it very difficult for  
7 the reporter to accurately record the proceedings.

8 If an objection is lodged by the opposing party  
9 of the questioner, please do not answer until I have a  
10 chance to rule on the objection. "Sustained" means  
11 you're not to answer. "Overruled," you may answer.

12 You with me?

13 THE WITNESS: With you.

14 THE COURT: Any questions?

15 THE WITNESS: Not so far.

16 THE COURT: Let's go.

17 MS. DAVIS: Thank you.

18 **TOBIAS WULFF,**

19 called as a witness on behalf of the People,  
20 having been first duly and regularly sworn, testified as  
21 follows:

22 **DIRECT EXAMINATION**

23 Q. BY MS. DAVIS: Mr. Wulff, how are you employed?

24 A. I'm employed by Dropbox, and I'm the content  
25 safety manager.

26 MR. BARTON: Excuse me. The what manager?

1 THE WITNESS: Content safety manager.

2 MR. BARTON: Thank you.

3 Q. BY MS. DAVIS: As a content safety manager,  
4 what are your duties?

5 A. My duties are to run a team that reviews and  
6 enforces Dropbox's AUP or acceptable use policy.

7 Q. Are you familiar with the term "CyberTip"?

8 A. I am.

9 Q. And will you please briefly describe for us  
10 what a CyberTip is?

11 A. A CyberTip is the result of a review specific  
12 to child sexually explicit material that is provided to  
13 NCMEC, the National Center of Exploited and Missing  
14 Children [sic].

15 THE COURT: I'm going to ask you to try and  
16 keep your voice up. I often tell witnesses use your  
17 outside voice.

18 THE WITNESS: You got it.

19 THE COURT: All right. Thank you.

20 Q. BY MS. DAVIS: Now, is there a procedure that  
21 Dropbox, Incorporated, employs in order to enforce this  
22 AUP, as you call it?

23 MR. BARTON: Objection. Vague as to time.

24 THE COURT: Do you understand the question?

25 THE WITNESS: I was going to ask for a  
26 clarification.

1 THE COURT: Why don't you restate it?

2 Q. BY MS. DAVIS: Okay. Is there -- when CSAM is  
3 located in a Dropbox user's account, is there a certain  
4 procedure an employee must follow upon locating it?

5 MR. BARTON: Objection. Vague as to time.

6 THE COURT: You know, sustained. I'm not sure  
7 exactly -- give me a second so I can open a file.

8 Now you want to restate the question for me?  
9 Because I'm -- I was distracted. Please go ahead.

10 Q. BY MS. DAVIS: Okay. My understanding -- and  
11 maybe I misheard -- is that part of your team's job is to  
12 identify child sexual abuse material. And just so that  
13 we don't have to keep saying that, it's CSAM, C-S-A-M.  
14 Is that correct?

15 A. Yes.

16 Q. Okay. So what I'm asking is what is the  
17 company's policy and procedure for your team when that  
18 CSAM has been identified?

19 MR. BARTON: And I will renew my objection of  
20 vague as to time.

21 THE COURT: Yeah. What was it at the time of  
22 this offense is what your objection is.

23 Did you understand the question in that  
24 fashion?

25 THE WITNESS: I understand the question.

26 THE COURT: You may answer it with that

1 amendment.

2 THE WITNESS: The answer is yes. At the time,  
3 we have a process to review CSAM.

4 THE COURT: What was the process?

5 THE WITNESS: The process is to review whatever  
6 piece of content that a reviewer comes across. And we  
7 follow pretty strict policy and protocols that involve  
8 things like the Tanner scale to identify age as well as  
9 the actual acts within the piece of content.

10 Q. BY MS. DAVIS: Okay. Now, when you say  
11 "review," does that mean that a Dropbox employee actually  
12 visually sees the CSAM content?

13 A. That is correct.

14 Q. And is part of the policy and procedure of  
15 Dropbox to then create a -- or generate a CyberTip to be  
16 forwarded to NCMEC?

17 A. That is in compliance with the law. We are  
18 obligated by law to do so.

19 Q. Okay. And in that CyberTip, does Dropbox  
20 include information about whether or not the employee had  
21 seen the image?

22 MR. BARTON: Objection. This appears to be  
23 calling not -- if this is just about policy and practice,  
24 I don't have an objection. If this is about what  
25 happened on this occasion, I do have an objection.

26 THE COURT: No, I understand. I understood the

1 question still to be in the general policy realm.

2 Is that correct, ma'am?

3 MS. DAVIS: Yes, Your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Yes.

6 Q. BY MS. DAVIS: Okay. And is the employee  
7 required to include a classification, as you called it,  
8 of what kind of CSAM material they believe they've seen?

9 A. Yes.

10 Q. And can you for us briefly describe what that  
11 classification is or how it works?

12 A. The classifications range from a taxonomy of  
13 A1, A2, B1, and B2. And that is dependent on the age of  
14 the subject in the content. And the number is correlated  
15 to the specific act within that piece of content.

16 (People's Exhibit 1, having been premarked,  
17 identified for the record.)

18 Q. BY MS. DAVIS: I would like to show you what  
19 has been previously marked as People's Exhibit 1. It has  
20 been provided to defense counsel in discovery. It is a  
21 six-page document. I'd ask you to look at these six  
22 pages and tell me if you recognize what this is.

23 MR. BARTON: Is that the CyberTip report?

24 MS. DAVIS: Yes.

25 THE WITNESS: Yes. That's exactly -- it looks  
26 like a CyberTip report.



1 Q. BY MS. DAVIS: Okay. Now, when you look at  
2 that document, does it comply with the policies and  
3 procedures of Dropbox, of the requirements?

4 MR. BARTON: Objection to the form of the  
5 question. This is a document generated by NCMEC. And I  
6 don't believe that a document generated by NCMEC can  
7 either conform or not conform with the Dropbox policy.

8 THE COURT: NCMEC is a separate entity from  
9 Dropbox? That's your point?

10 MR. BARTON: Right. NCMEC is -- it's a  
11 quasi-private interrelated-to-the-government organization  
12 called the National Center for Missing and Exploited  
13 Children. And this is a document produced by NCMEC in  
14 response to the tip from Dropbox.

15 THE COURT: Got it.

16 MS. DAVIS: If I may, Your Honor?

17 THE COURT: Go ahead.

18 MS. DAVIS: This witness is testifying, based  
19 on his experience and his role, to information that  
20 Dropbox employees are required to put inside of a  
21 CyberTip. This is a CyberTip, as he has now recognized  
22 it. I think he can testify whether or not the  
23 information included matches the policies of their  
24 company.

25 THE COURT: So if I understand correctly,  
26 People's 1 contains information provided to NCMEC by a

1     Dropbox employee; correct?

2                 MS. DAVIS: That's correct, Your Honor.

3                 THE COURT: Overruled.

4                 You can answer.

5                 THE WITNESS: Can you please repeat?

6                 Q. BY MS. DAVIS: Yes.

7                 Based on your review of that CyberTip, does the  
8 information contained therein comply with the  
9 requirements of Dropbox employees upon locating CSAM?

10                A. Yes.

11                Q. And just for the record, on the first page, is  
12 that CyberTip Report Number 73001154?

13                A. Yes.

14                Q. Okay. Now, you previously testified that you  
15 have -- or Dropbox has a legal obligation to report CSAM  
16 when it's found. When those reports are being made, are  
17 they at the behest or request of law enforcement?

18                MR. BARTON: Objection. Calls for an opinion.  
19 Kind of calls for a legal conclusion.

20                THE COURT: Yeah. As I understand it, it's  
21 a -- when you say "a legal obligation," that's a  
22 statutory obligation. That's what you mean; correct?

23                MS. DAVIS: Yes. I guess, technically.

24                THE COURT: Yeah. And it does call for a legal  
25 conclusion. Sustained.

26                Q. BY MS. DAVIS: Okay. I'm going to go back to

1 your job. How long have you been in this position?

2 A. I joined Dropbox in April of this year.

3 Q. And what training and experience did you have  
4 to receive to become a manager of your team?

5 A. Ample training revolved around many documents,  
6 training workflows through presentations, again, that go  
7 into the depths of exactly defining what is and isn't  
8 CSAM.

9 MR. BARTON: May I make a motion to strike the  
10 totality of his testimony regarding policies that were in  
11 place in 2020 before he joined Dropbox as hearsay?  
12 Because I think there needs to be some foundation.

13 THE COURT: Do you wish to be heard?

14 MS. DAVIS: I'm getting to the foundation as  
15 I'm speaking with this witness, Your Honor.

16 THE COURT: Okay. Subject to a motion to  
17 strike. If she can lay a proper foundation, we'll deal  
18 with it then.

19 Go ahead.

20 Q. BY MS. DAVIS: And did part of that training to  
21 be in your position go over what your obligations are as  
22 a member of Dropbox if you locate CSAM material?

23 A. Yes.

24 Q. And what are those obligations that you were  
25 trained in?

26 MR. BARTON: Objection. Relevance and hearsay

1 and -- and irrelevant as to time.

2 THE COURT: I understand that was the relevance  
3 objection. That's -- I'll take that under submission for  
4 a future motion to strike if she can't lay the foundation  
5 as to the duration of those procedures.

6 With regard to hearsay, I understand it to be  
7 being offered what he understands his obligations are and  
8 therefore his state of mind. It will come in for that  
9 purpose.

10 MR. BARTON: Thank you.

11 THE COURT: Go ahead.

12 Q. BY MS. DAVIS: Are you aware of what the  
13 policies regarding locating CSAM materials are or were in  
14 May of 2020?

15 A. I have a rough understanding, yes.

16 Q. And what is that rough understanding based on?

17 MR. BARTON: Is my objection a continuing  
18 objection?

19 THE COURT: It's so understood. Let's get  
20 through the foundation, and then you can argue it as to  
21 whether it's made or not.

22 Go ahead.

23 THE WITNESS: One more time, please?

24 Q. BY MS. DAVIS: Sorry.

25 What is your rough understanding of the  
26 policies in 2020 based on?

1           A. My understanding is based on most of the same  
2 training material and policies that are in place today.

3           Q. And I guess I'll say, how do you know that the  
4 training policies were the same when you came into the  
5 company as they were in May of 2020?

6           A. Through historical documentation.

7           Q. Okay. And were those documents you received  
8 from the company?

9           A. Yes.

10          Q. Okay. Are you aware -- it's okay if you're  
11 not, but are you aware when this obligation to report  
12 CSAM material to NCMEC came about?

13          A. I'm not fully aware.

14          Q. In your role as a manager, have you ever been  
15 informed that policies had recently changed?

16          A. No.

17          Q. Do you work with anyone who worked there in May  
18 of 2020?

19          A. I'm not fully sure.

20          Q. Okay. And regarding the obligation to report,  
21 where did you learn of that?

22          A. I learned of obligations, again, through  
23 training and reviewing our kind of workflow and policies.  
24 Part of that is explicitly calling out what our  
25 obligations are in relation to reviewing CSAM material.

26          Q. And in your training, do they inform you

1 whether or not this is a legal requirement of the  
2 company?

3 MR. BARTON: Objection. Leading.

4 THE COURT: Overruled.

5 THE WITNESS: Yes.

6 Q. BY MS. DAVIS: And is it a legal requirement of  
7 the company?

8 A. Yes.

9 MS. DAVIS: Okay. I don't believe I have  
10 anything further for this witness, Your Honor. I believe  
11 the foundation has been laid. If --

12 THE COURT: Mr. Barton?

13 MR. BARTON: So I'm not -- is this just the  
14 foundation for his continuing to testify regarding  
15 policies, or are you resting with this witness?

16 MS. DAVIS: I'm resting with the witness, but I  
17 need to know if the motion to strike --

18 THE COURT: Well, that's why I'm inviting him  
19 to argue it.

20 MR. BARTON: So Mr. Wulff was not employed in  
21 2020. He doesn't know if any of the people who are  
22 reviewers were doing it in 2020. He has no firsthand  
23 knowledge about how the system worked in 2020. He  
24 shouldn't be able to testify as to how things worked in  
25 2020. It's all hearsay.

26 THE COURT: I have a little problem with the

1 hearsay aspect. It seems as though he can't even testify  
2 from personal knowledge that the policy -- he did testify  
3 that he believes the policies in place today were the  
4 same at that time, but that's hearsay. He's not at  
5 Dropbox two years earlier than his hire.

6 MS. DAVIS: But, Your Honor, he got the  
7 information from training and materials. He's not saying  
8 someone told him that. This is from materials that he  
9 received, so it's not hearsay. It's his training. It's  
10 his experience and what he had to learn in order to be in  
11 the position that he is in. So I do not believe it's  
12 based on -- or only based on hearsay. It's not as though  
13 someone just told him something is the same. He has  
14 reviewed documentation. That is how he's getting this  
15 information.

16 THE COURT: Go ahead.

17 MR. BARTON: I think that that's classic  
18 hearsay. You review documentation. You believe the  
19 document. That's just as if somebody had told him.

20 THE COURT: In other words -- excuse me. I'm  
21 sorry for speaking over you, Mr. Barton.

22 The documentation itself, not having been  
23 authenticated in court, is an out-of-court statement  
24 offered for the truth of the matter stated in the  
25 documentation. It is hearsay.

26 MS. DAVIS: I don't really believe it's offered

1 for the truth of the matter asserted, Your Honor.

2 THE COURT: Well, no. His statement that the  
3 policy in 2020 based on something he read is being  
4 offered for the truth of the matter of what he read.  
5 It's -- in terms of his state of mind, he believes it to  
6 be so. But he can only believe it to be so if the  
7 statements in the documentation are, in fact, true.

8 MS. DAVIS: Well, in that case, Your Honor, the  
9 People would seek to identify this witness as an expert  
10 in Dropbox Incorporation's policy and procedure and  
11 reporting CSAM material.

12 THE COURT: Mr. Barton, do you wish to be heard  
13 on that?

14 MR. BARTON: I don't believe he will qualify as  
15 to the procedures in place at Dropbox in 2020 at the  
16 relevant time. And in laying a foundation, I think we've  
17 exposed his lack of expertise regarding the practices of  
18 the individuals employed at Dropbox during the relevant  
19 time period.

20 THE COURT: Let's talk about whether he  
21 qualifies as an expert witness in the current policies of  
22 Dropbox because I would suggest that that is something --  
23 what the policies are of Dropbox is something outside the  
24 kin of the trier of the fact. I don't know what the  
25 policies are; right? He can testify as to what they are  
26 today if he has expertise in that area because he manages



1 that section. He has particular expertise in the area.  
2 And he can rely on hearsay to say what the procedures are  
3 certainly today. And then he could, I suppose, opine as  
4 to what they were two years prior to his hire. I take  
5 that to be the thrust of Ms. Davis's proffer.

6 MS. DAVIS: That's correct, Your Honor.

7 MR. BARTON: And I agree that he would likely  
8 qualify as an expert as to the present procedures and  
9 suggest that the timing issue renders the relevant  
10 testimony outside the scope of his expertise.

11 THE COURT: In terms of what I know about -- I  
12 take it these were written procedures that you reviewed  
13 as part of your training; correct?

14 THE WITNESS: Yes.

15 THE COURT: All right. From what I know so  
16 far, I think his objection is well taken as to the  
17 connection of the timing. Why don't you explore that a  
18 little bit with him as to how he knows the -- when those  
19 publications were generated, et cetera, if he does?

20 MS. DAVIS: Okay.

21 THE COURT: Go ahead.

22 Q. BY MS. DAVIS: Do you have any idea how long  
23 Dropbox has been using the training materials that you  
24 received in the course of your duties?

25 MR. BARTON: Objection to the form of the  
26 question. It calls for hearsay. "Do you have any idea?"

1 THE COURT: Yeah. Yeah. Sustained as phrased.

2 Q. BY MS. DAVIS: Do you know what written  
3 materials Dropbox required you to become familiar with in  
4 order to receive your position? Do you know how long  
5 Dropbox has used those materials?

6 MR. BARTON: Objection. Compound.

7 THE COURT: Do you understand the question?

8 THE WITNESS: I believe I do.

9 THE COURT: You may answer.

10 THE WITNESS: Yes. Those materials have been  
11 at Dropbox long before I joined. And if I could add,  
12 classifying CSAM has remained the same as long as I can  
13 remember.

14 Q. BY MS. DAVIS: Can you try -- or  
15 specifically -- when you're saying for a long time and  
16 for as long as you can remember, is that before May of  
17 2020?

18 A. Yes.

19 MR. BARTON: Objection. Vague as to what we're  
20 asking is before 2020.

21 THE COURT: Sustained.

22 Q. BY MS. DAVIS: Okay. You talked about two  
23 things. So the materials themselves, when you say that  
24 they have been used by Dropbox for a long time, I think  
25 is the words you used, does that mean prior to May of  
26 2020?

1           A.    It does.

2           MR. BARTON:  Objection.  Outside the scope of  
3 personnel knowledge.

4           THE COURT:  Sustained as phrased.

5           May I?

6           MS. DAVIS:  Yes.

7           THE COURT:  The materials we're talking about,  
8 are they in hard copy, or are they online or both?

9           THE WITNESS:  Online.  Or they're -- yeah.

10          THE COURT:  All right.  So it's a document in a  
11 file in Dropbox's network?

12          THE WITNESS:  Correct.  Internal document.

13          THE COURT:  Got it.  And then is there anything  
14 on those internal documents that displays their last  
15 edited date?

16          THE WITNESS:  It depends on the documents, but  
17 yes.

18          THE COURT:  Right.  And the documents we're  
19 talking about are the training materials related to CSAM  
20 treatment and reporting?

21          THE WITNESS:  That's correct.

22          THE COURT:  And those have some sort of  
23 designated last edited date?

24          THE WITNESS:  Yes.

25          THE COURT:  Are you familiar with what the last  
26 edited date is on the materials we've been talking about?

1 THE WITNESS: I can't say for sure.

2 THE COURT: All right. Next question.

3 Q. BY MS. DAVIS: And would it refresh your  
4 recollection if you were able to look at those documents?

5 A. Yes.

6 MS. DAVIS: If I could have a moment,  
7 Your Honor?

8 THE COURT: Sure. Of course.

9 Q. BY MS. DAVIS: And are those located online for  
10 anyone to see, or would you have to be at the Dropbox  
11 location?

12 A. You would have to be a Dropbox employee.

13 THE COURT: So you could be off-site working  
14 from home on a VPN, and you can access the document?

15 THE WITNESS: That's correct.

16 THE COURT: Go ahead.

17 Q. BY MS. DAVIS: So I guess I'm wondering then  
18 why you believe that the current policies regarding CSAM  
19 reporting have been in place for a long time.

20 A. Because when I onboarded and joined Dropbox,  
21 part of my training was ample amount of reading those  
22 documents that cover both historical and current  
23 policies.

24 MS. DAVIS: So I would make the same motion,  
25 Your Honor, to designate this witness as an expert in the  
26 policies and procedures of Dropbox as it applies to CSAM

1 reporting.

2 THE COURT: Do you wish to be heard?

3 MR. BARTON: Yes.

4 THE COURT: Go ahead.

5 **VOIR DIRE EXAMINATION**

6 Q. BY MR. BARTON: Regarding the procedures that  
7 were actually followed, have you spoken with people who  
8 did the reviewing work in 2020?

9 A. It's tough to say for sure.

10 Q. Do you know who was employed as a reviewer for  
11 Dropbox in May of 2020?

12 A. Our team is employed by contractors that are --  
13 have time limits on their allowed employment, so I can't  
14 distinguish who was and who wasn't there. The team is  
15 relatively large, and because of that time limit, I can't  
16 say for sure.

17 Q. Are the people who do the reviews employees of  
18 Dropbox?

19 A. I'm not a legal employment lawyer, so I don't  
20 feel comfortable answering that.

21 Q. Fair enough.

22 Is there a policy at Dropbox to maintain a link  
23 between who the reviewer is and the tip that results from  
24 their review?

25 A. Yes.

26 Q. So as to this review, the CyberTip that's been

1 marked as Exhibit Number 1, does Dropbox know who  
2 conducted the actual review?

3 MS. DAVIS: Objection. Beyond the scope of his  
4 expertise.

5 THE COURT: Overruled. No. It's questioning  
6 his expertise. Overruled.

7 Do you understand the question?

8 THE WITNESS: I do.

9 THE COURT: You may answer.

10 THE WITNESS: Can you repeat, please?

11 Q. BY MR. BARTON: Does Dropbox know who the  
12 individual is that conducted the review that resulted in  
13 the CyberTip that's been identified as Exhibit Number 1?

14 A. Yes, depending on data retention.

15 Q. And are there records at Dropbox that maintain  
16 a link between the individual reviewer and the material  
17 that they identified as CSAM?

18 A. Again, yes, depending on data retention  
19 policies.

20 Q. In your role as content safety manager, do you  
21 do any type of quality control to see whether the  
22 reviewers are actually following the policies of Dropbox?

23 A. Yes.

24 Q. And are you aware of the level of review that  
25 was in effect for reviewers in May of 2020?

26 A. I'm not understanding the question.

1 Q. Well, do you know whether there was any type of  
2 review or quality control that was given to the reviewers  
3 who were looking for CSAM in May of 2020?

4 A. Yes.

5 Q. And what was the level of quality control for  
6 reviewers looking for CSAM in May of 2020?

7 MS. DAVIS: Objection. Vague.

8 THE COURT: Do you understand the question?

9 THE WITNESS: Can you repeat?

10 Q. BY MR. BARTON: Sure. Let me ask a better  
11 question.

12 Can you describe the quality control procedures  
13 that Dropbox employed for the reviewers who were looking  
14 for CSAM in May of 2020?

15 A. Not confidently.

16 Q. Have you done anything to learn about the  
17 quality control procedures that Dropbox had in place to  
18 review the work of reviewers in May of 2020?

19 A. It's tough to say.

20 Q. Does Dropbox keep records regarding quality  
21 control of -- and performance of individuals employed to  
22 be reviewers for CSAM material?

23 A. I didn't understand.

24 Q. Thanks. When you don't understand, please make  
25 it clear. And that means I'm not doing my job well, and  
26 I'll ask a better question.

1 Does Dropbox maintain records as a type of  
2 performance review or accuracy of people who were  
3 performing reviews for CSAM in May of 2020?

4 A. The data retention policies are out of my  
5 scope. I can't say.

6 THE COURT: Can I?

7 Just to clarify, when you refer to something  
8 called "data retention policies," can you explain that a  
9 little bit, what you mean by that?

10 THE WITNESS: Sure. So Dropbox, like any other  
11 company, has loads of data. And some of -- retention is  
12 how long you keep it for, right, in keeping records. How  
13 long is out of scope. They follow typical data retention  
14 laws that I'm not keen on.

15 THE COURT: All right. And so when you had  
16 said about linking the reviewer to a particular CyberTip,  
17 there is such a record subject to the duration of  
18 retention that is the policy of Dropbox; correct?

19 THE WITNESS: That's right.

20 THE COURT: If I may? One more.

21 MR. BARTON: Certainly.

22 THE COURT: Are you aware of what the time  
23 period is for data retention for such a record?

24 THE WITNESS: I'm not.

25 THE COURT: All right. Go ahead, Counsel.  
26 Pardon the intrusion.



1 Q. BY MR. BARTON: Do you know who performed the  
2 review of the CSAM material at issue in the CyberTip  
3 73001154, which is now identified as Exhibit 1?

4 MS. DAVIS: Also, objection. Doesn't go to his  
5 expertise.

6 THE COURT: To the contrary. I think it does.  
7 Go ahead. You may answer.

8 THE WITNESS: By name, no.

9 Q. BY MR. BARTON: By some other identifier?

10 A. Not off the top of my head.

11 Q. Is that information that you had at one point  
12 but you no longer remember?

13 A. I can't confidently answer that.

14 Q. Has anybody told you not to report the identity  
15 of the individual who conducted the review for the  
16 CyberTip that's been identified as Exhibit Number 1?

17 A. One more time, please?

18 Q. Has anybody told you not to remember or not to  
19 reveal the identity of the reviewer of the CyberTip  
20 that's been marked as Exhibit Number 1?

21 MS. DAVIS: Objection. Doesn't go to his  
22 expertise.

23 THE COURT: Yeah. I agree with that. And I  
24 don't think he's -- I think he's testifying he can't  
25 conjure that name sitting here today. But from my point  
26 of view as the trier of fact, what's important is whether

1 he's capable of retrieving that name based on their data  
2 retention policy, if that makes sense, Counsel.

3 MR. BARTON: It does.

4 THE COURT: Please go ahead.

5 Q. BY MR. BARTON: As content safety manager, are  
6 you the individual responsible for enforcing Dropbox  
7 policy as to how reviewers do their work?

8 A. Yes.

9 Q. As to present Dropbox procedures and policies,  
10 do you keep records as to performance issues and quality  
11 control issues of reviewers looking for CSAM material?

12 A. Yes. We have quality measures in place.

13 Q. Have you looked at those quality measures for  
14 how the reviewers perform their duties in May of 2020?

15 A. Please repeat.

16 Q. So I know you weren't working in May 2020. In  
17 your role as content safety manager, have you looked back  
18 to May of 2020 to look at those metrics of job  
19 performance quality control for reviewers in May 2020?

20 A. Not explicitly.

21 MR. BARTON: I'd object to this witness being  
22 permitted to testify as to policies or procedures for  
23 2020 but certainly not procedures. If he testifies that  
24 the policies were in effect or the policies weren't  
25 edited substantially and were very similar to what was in  
26 place in May 2020, he may be able to do that with a

1 sufficient foundation. I don't think that's been laid.  
2 But I don't think he's going to be able to testify about  
3 the procedures that were actually in place, about how  
4 people did their work in 2020 or specifically for this  
5 CyberTip.

6 THE COURT: Ms. Davis?

7 MS. DAVIS: Thank you, Your Honor.

8 As the Court is aware, all that is required for  
9 an expert is that he have special knowledge, skill,  
10 training, or education sufficient to qualify him as an  
11 expert on a particular subject to which his testimony  
12 relates. This witness has said that he's reviewed  
13 current and historical data regarding Dropbox's policies  
14 and procedures when it comes to reporting CSAM material.  
15 That means that he has training and experience above that  
16 of -- whether it be you, Your Honor, or a jury, above  
17 that of the trier of fact, and he can explain those  
18 policies and procedures to the trier of fact based on his  
19 training and experience. He then can opine as to what  
20 the policies and procedures were in 2020, and the Court  
21 then can weigh whether -- or give it as much weight as  
22 the Court would like. But there is nothing about what  
23 this witness had testified to that suggests his testimony  
24 should be stricken and that he is not qualified to be an  
25 expert in this very small area.

26 THE COURT: Indeed arcane.

1 Is the matter submitted?

2 MS. DAVIS: Yes, Your Honor.

3 MR. BARTON: Yes, Your Honor.

4 THE COURT: All right. Thank you.

5 I'm going to allow him to testify as an expert.

6 I agree it goes to the weight of his opinion given that  
7 he's relying on internal documents that he's familiar  
8 with. And by all accounts, those documents set forth a  
9 procedure that he believes was in effect in May of 2020.

10 MS. DAVIS: Thank you, Your Honor.

11 THE COURT: Go ahead.

12 **DIRECT EXAMINATION (CONTINUED)**

13 Q. BY MS. DAVIS: And so if I can ask just for  
14 clarity. In May of 2020, were reviewers of Dropbox  
15 users' accounts required to visually look at the content  
16 of the user account, classify it, and -- and classify it  
17 prior to reporting it to NCMEC?

18 A. Yes.

19 MR. BARTON: May I have a standing objection on  
20 the "vague as to time" issue?

21 THE COURT: No. She said May of 2020.

22 MR. BARTON: Great. Thank you.

23 MS. DAVIS: Thank you, Your Honor.

24 THE COURT: Overruled.

25 Q. BY MS. DAVIS: And lastly, just to clarify  
26 something that just came up on cross, you testified that

1 you don't know if each reviewer legally is an employee of  
2 Dropbox. But are reviewers required to follow the  
3 policies and procedures of Dropbox?

4 A. Yes.

5 MS. DAVIS: I have nothing further, Your Honor.

6 THE COURT: All right. And further cross.

7 **CROSS-EXAMINATION**

8 Q. BY MR. BARTON: You indicated that you don't  
9 know the identity, either name or some other identifier,  
10 for the person who did the actual review. Is that record  
11 about who the reviewer was contained in any Dropbox  
12 record?

13 A. That's dependent on data retention.

14 Q. If I were to request that record, how would I  
15 describe the record that reveals the identity of the  
16 reviewer?

17 MS. DAVIS: Objection. Relevance.

18 THE COURT: No. Overruled.

19 THE WITNESS: How would you -- I'm not sure how  
20 you would request that.

21 Q. BY MR. BARTON: Is that a document that you  
22 have access to when you're logged on to the Dropbox  
23 network?

24 MS. DAVIS: Objection. Vague as to "document"  
25 and beyond the scope. He wouldn't know what a lawyer  
26 needs to do to request something from --

1 THE COURT: No. That's not what he's asking,  
2 what a lawyer has to do. He's asking does he have access  
3 to the Dropbox document that identifies the link between  
4 the reviewer and the CyberTip at issue in People's 1.

5 Did you understand the question that way?

6 THE WITNESS: I understood it the former. How  
7 I understood it -- how he would, not how I would.

8 THE COURT: That's not what he's asking now.  
9 This question is do you have access -- correct me if I'm  
10 wrong, Counsel.

11 Do you personally have access -- when you are  
12 in your Dropbox employee account performing your duties,  
13 do you have access to the document that links the  
14 reviewer of People's 1 to the CyberTip in People's 1?

15 THE WITNESS: It's less so much a document and  
16 more so a data table that I would need assistance from  
17 somebody else.

18 THE COURT: But, again, that data table is  
19 subject to data retention policies of Dropbox; correct?

20 THE WITNESS: That's correct.

21 THE COURT: So if it exists, you can get there?

22 THE WITNESS: With the assistance of a  
23 coworker.

24 THE COURT: Got it.

25 Go ahead. And forgive me for intruding on your  
26 examination.

1 Q. BY MR. BARTON: Are there documents that  
2 Dropbox maintains that will show the job performance and  
3 reviews for the person -- job reviews of the person who  
4 did the review for CyberTip that's been identified as  
5 Exhibit Number 1?

6 MS. DAVIS: Objection. Relevance.

7 THE COURT: No. Counsel, if you're going to  
8 introduce Number 1, he's allowed to learn as much as he  
9 can about Number 1 and the production of it. Overruled.

10 THE WITNESS: Sorry. Can you repeat?

11 Q. BY MR. BARTON: Yes.

12 Does Dropbox maintain records regarding the  
13 performance and quality and performance issues for the  
14 person who conducted the review that resulted in CyberTip  
15 Exhibit Number 1?

16 MS. DAVIS: Objection. He's testified he  
17 doesn't know who that person is. Lack of personal  
18 knowledge.

19 THE COURT: This is about policies and  
20 procedures as to --

21 MS. DAVIS: That's not how I understood it,  
22 Your Honor.

23 THE COURT: Well, how did you understand the  
24 question?

25 MS. DAVIS: It's whether or not Dropbox  
26 maintains records for the person who created the CyberTip

1 that has been put forth as People's 1. That's a specific  
2 person.

3 THE COURT: Another way of saying it,  
4 Mr. Wulff, is does Dropbox have a policy of maintaining  
5 job performance records of people who act as reviewers of  
6 this type of material?

7 THE WITNESS: Yes. But, again, it's dependent  
8 on retention policies as well as, you know, who is and  
9 isn't employed at Dropbox anymore.

10 THE COURT: Understood.

11 Go ahead.

12 Q. BY MR. BARTON: Do you have Exhibit Number 1 in  
13 front of you?

14 A. The CyberTipline report?

15 Q. Yes.

16 A. Yes.

17 Q. Looking at the front page of that, is that  
18 something that's generated by Dropbox?

19 A. I believe you already called out that this is a  
20 document from NCMEC.

21 Q. And going to page 2, which says "Contents,"  
22 that's not something that's generated by Dropbox?

23 So I'm talking about the second page, not the  
24 page that has the number 2. I'm talking about the page  
25 that's on the back of the cover that says "Contents."

26 A. Section A, Section B, and Section C?



1 Q. Well, no. I'm talking about the page before  
2 Section A that's marked "Contents."

3 A. This page right here?

4 Q. Correct.

5 THE COURT: That appears to be what he's  
6 looking at.

7 THE WITNESS: Some of these things are what  
8 Dropbox provides to NCMEC.

9 Q. BY MR. BARTON: So looking at pages that are  
10 numbered pages 1 through 5, does that contain NCMEC's  
11 report of information that was provided by Dropbox?

12 A. Could you rephrase the question, please?

13 Q. Yes.

14 Does the pages numbered 1 through 5 reflect  
15 NCMEC's report of information provided by Dropbox?

16 A. If you're referring to uploaded file  
17 information --

18 Q. I'm looking at all of Section A.

19 THE COURT: You want to approach with that  
20 document and just show him what you're talking about?

21 MR. BARTON: Sure. Approaching the witness.

22 Q. BY MR. BARTON: Do you see a portion that's  
23 marked as Section A?

24 A. Right here on the same page?

25 Q. No. Referring to here. And then there's page  
26 numbers there.

1           So looking through page 1 through 5, is that  
2 NCMEC's report of the information provided by Dropbox?

3           A. The information with each of these pages and  
4 uploaded file information is information provided by  
5 Dropbox.

6           Q. And when we say "provided by Dropbox," how does  
7 it get from the content reviewer to NCMEC?

8           A. A reviewer reviews content and classifies it.  
9 And upon that classification, a CyberTip is generated.

10          Q. So it looks like the submitter is identified as  
11 Dropbox legal team. That's in the first section of  
12 Section A on page 1. Is this submitted by Dropbox legal  
13 team?

14          A. Content safety is a function of the legal team,  
15 yes.

16          Q. So are the reviewers part of the Dropbox legal  
17 team?

18          A. Under the umbrella of the legal team, yes.

19          Q. So does the reviewer him- or herself submit the  
20 material to NCMEC, or does it go through any  
21 intermediates between the reviewer and the filing of the  
22 CyberTip to NCMEC?

23          A. I'm not sure what an intermediary would be  
24 here. Could you clarify, please?

25          Q. Well, what I'm asking is, in May of 2020, did  
26 the content reviewer directly file the report to NCMEC?

1 Or did the content reviewer give the results of their  
2 review to some other person, and that other person  
3 provided the information to NCMEC?

4 A. Another person did not provide the information  
5 to NCMEC.

6 THE COURT: So it goes directly from the  
7 reviewer to NCMEC?

8 THE WITNESS: When a reviewer reviews and  
9 classifies the content, upon that action, it gets  
10 directly submitted to the NCMEC.

11 THE COURT: Thank you. I think that's  
12 precisely what he was asking. Thank you.

13 Q. BY MR. BARTON: Now, in some of these, if we  
14 look at -- well, let's look at the first one on page 2.  
15 There's a file that's identified as "uploadlog.csv."

16 A. I see it.

17 Q. And there's a question: "Did reporting ESP,"  
18 meaning electronic service provider, "view entire  
19 contents of the uploaded file?" And the answer is "Yes."

20 What is the procedure employed by Dropbox to  
21 make sure that the reviewer actually reviewed the entire  
22 file?

23 A. The only way for this question to be answered  
24 as yes is if a reviewer has reviewed and classified the  
25 content.

26 Q. So let's say that we're talking about a video.

1 It looks like the second one is an MP4, which is probably  
2 a video; right?

3 A. Correct.

4 Q. So let's say that the viewer reviewed the first  
5 three seconds on that video and, based on that, was able  
6 to make a classification and didn't review the remaining  
7 three minutes of the video. How would we know whether  
8 that occurred?

9 A. Based on our training, we are required to.

10 Q. So based on -- do you know what the -- so you  
11 don't know who trained this reviewer; right?

12 A. I do not.

13 Q. And you don't know what type of quality control  
14 there was for this reviewer in May 2020; correct?

15 MS. DAVIS: Objection. Asked and answered.

16 THE COURT: Sustained. I believe that has been  
17 answered previously.

18 Q. BY MR. BARTON: Is the entry of "yes" to that  
19 question data that's input by the reviewer him- or  
20 herself?

21 A. No. That is generated upon classification and  
22 submitting the review.

23 Q. What does that mean, "generated upon  
24 classification"?

25 A. NCMEC has an API that Dropbox uses that, again,  
26 upon classification of CSAM, will generate this answer.

1           THE COURT: Can I just -- for my own  
2 clarification?

3           You've got to help me with the acronyms. API?

4           THE WITNESS: I'm actually not 100 percent sure  
5 on the acronym myself, but it is a --

6           THE COURT: What does it refer to?

7           THE WITNESS: It is basically the CyberTipline  
8 form. So if you have -- go to the website of NCMEC, you  
9 can kind of manually upload the file, et cetera, et  
10 cetera. This kind of automatically does that upon  
11 somebody reviewing something.

12          THE COURT: So if I -- may I?

13          If I understand the path of your testimony on  
14 this point, going back to his earlier question, let's say  
15 there's a video that's three and a half minutes. The  
16 reviewer watches the first 30 seconds and says, Oh, yeah  
17 that's A2 or whatever, uploads it, the A2 judgment, as it  
18 were, to the NCMEC file. Then NCMEC generates the "yes"  
19 as to the review of the file?

20          THE WITNESS: Not quite. If we classify  
21 something as A2, it would be marked as "yes."

22          THE COURT: Okay. Forget about what  
23 classification I chose. Just the fact of a  
24 classification --

25          THE WITNESS: Correct.

26          THE COURT: -- would generate from NCMEC a

1 "yes, reviewed the entire file" notwithstanding that the  
2 person stopped three minutes before the end of the file,  
3 the reviewer?

4 THE WITNESS: I would not say that NCMEC is  
5 answering that question.

6 THE COURT: Okay. So it's the reviewer  
7 answering the question by uploading a "yes"?

8 THE WITNESS: The answer "yes" is caused by the  
9 reviewer's classification.

10 THE COURT: Got it. I think I understand.

11 Go ahead.

12 Q. BY MR. BARTON: So that would be a default  
13 answer that is put in based on the form that NCMEC has  
14 the reviewer fill?

15 A. Yes. If something falls between A1 and B2, the  
16 answer would be yes. And if it is not considered CSAM,  
17 then nothing happens.

18 Q. So the answer "yes" is not something that is  
19 input by the reviewer. It is something that's generated  
20 by the NCMEC report form?

21 A. Yes. But it is not generated by NCMEC  
22 themselves. It is generated by a tool that we use due to  
23 our action.

24 THE COURT: That is to say the classification  
25 that's imposed by the reviewer is what triggers the  
26 default answer; is that correct?

1 THE WITNESS: Correct.

2 THE COURT: Thank you.

3 Q. BY MR. BARTON: So if a reviewer reviewed a  
4 portion of a file and reached a classification, it would  
5 indicate "yes" regardless of whether the reviewer  
6 actually reviewed the entire file; is that correct?

7 A. Yes.

8 THE COURT: Regardless of what classification  
9 they reach?

10 THE WITNESS: If it falls between A1 and B2,  
11 then yes.

12 THE COURT: Okay.

13 Q. BY MR. BARTON: And when you say "between A1  
14 and B2," you mean whether it's classified A1, A2, B1, or  
15 B2, any of those four classifications result in "yes"  
16 appearing in the CyberTip report?

17 A. That's correct. That falls under CSAM.

18 Q. Looking back at Exhibit 1, the NCMEC report --  
19 and I'm looking at the page numbers on it. So I'm  
20 looking at pages 6 and 7. Are pages 6 and 7 information  
21 generated by NCMEC and not by Dropbox?

22 A. 6 and 7 is referencing Section B portions?

23 Q. Yes. Yes.

24 A. These are describing classifications and  
25 definitions. I believe these are on -- page 6, I  
26 believe, is provided by NCMEC. And portions of page 7,

1 like the file name, are provided by Dropbox.

2 Q. So there's a categorization column, Section B  
3 on page 7. And regarding all except two of the files  
4 that are addressed, the categorization is unconfirmed; is  
5 that correct?

6 A. That's how it reads, but I'm not sure who is  
7 providing that.

8 Q. And as to another, the categorization is "child  
9 unclothed," correct, the third one -- no. The second  
10 one?

11 A. Correct.

12 Q. And as to the fourth one, it says "apparent  
13 child pornography"?

14 A. Correct.

15 Q. And as to all the remaining ones, presumably  
16 another 10 or 12, it's unconfirmed; correct?

17 MS. DAVIS: Objection. He testified he doesn't  
18 know what that -- where that comes from.

19 Q. BY MR. BARTON: Correct?

20 MS. DAVIS: I just objected.

21 THE COURT: I think he's not asking where it  
22 comes from. He's asking what the report says.

23 MS. DAVIS: I think it's a different question  
24 because he's asking is it unconfirmed, an answer to that  
25 question.

26 THE COURT: I don't have the document in front



1 of me, so it's hard for me to follow along. But --

2 MR. BARTON: If it's okay with opposing  
3 counsel, I'll provide a copy of the report to the Court.

4 MS. DAVIS: That's fine.

5 THE COURT: Thank you.

6 And we're talking about which page?

7 MR. BARTON: Page 7. The page numbers are in  
8 the upper right-hand corner.

9 THE COURT: Yeah. There's -- this is the  
10 page 7 I'm looking at. Am I looking at the right page?

11 MR. BARTON: No.

12 THE COURT: What a surprise.

13 MR. BARTON: It's the second page of Section B.  
14 I hope I gave the Court a full copy.

15 THE COURT: You might want to take a second  
16 look at this.

17 MS. DAVIS: Your Honor, can I just give you my  
18 computer for now?

19 THE COURT: Sure.

20 Here's what I have as Section B, Mr. Barton.  
21 Yeah. That's not what's on that page 7.

22 MR. BARTON: It is not what's on that page 7.  
23 This appears to be different from Exhibit A -- Exhibit 1.  
24 I'm sorry.

25 THE COURT: That's okay. I get it.

26 MR. BARTON: I don't know why there are

1 different copies in existence of --

2 THE COURT: I'm the one who is in the dark  
3 here, Mr. Barton.

4 MR. BARTON: Well, I'm in the dark on that  
5 issue as well.

6 THE COURT: Can I make a suggestion? Why don't  
7 we take a break. Let's take a break until 11:00 o'clock.  
8 You guys can get the documents in order.

9 I understood, just for your edification,  
10 Ms. Davis, much of this testimony and questioning goes to  
11 the motion to suppress more so than the prelim, and that  
12 has animated the rulings I've been making.

13 We're in recess.

14 MR. BARTON: Thank you.

15 MS. DAVIS: Thank you, Your Honor.

16 (The proceedings were in recess.)

17 THE COURT: We're back on the record.  
18 People vs. Levy.

19 And you may continue your examination.

20 Q. BY MR. BARTON: Mr. Wulff, on Exhibit 1, the  
21 copy you have in front of you, there's a Section B. That  
22 Section B is entitled "Automated Information Added by  
23 NCMEC Systems"; correct?

24 A. Yes.

25 Q. And the information there is not information  
26 provided by Dropbox?

1           A. It doesn't sound like it, but the file names  
2 are file names from Dropbox.

3           Q. If we go to the next section, Section C, that  
4 section is entitled "Additional Information Provided by  
5 NCMEC"; correct?

6           A. Yes.

7           Q. And the NCMEC classification is "Apparent Child  
8 Pornography (Unconfirmed)"; correct? That's in the first  
9 field?

10          A. That's what it says here.

11          Q. And the information other than the file  
12 names --

13          A. There's a second line there as well.

14          Q. It says, "Files Not Reviewed by NCMEC";  
15 correct?

16          A. Correct.

17          Q. And the information in Section C other than the  
18 file names is not information that was provided by  
19 Dropbox; correct?

20          A. That's correct.

21          Q. When -- how does a file get initially flagged  
22 for review in May of 2020?

23          A. At that time, there's a variety of ways, one of  
24 which could be a user report. So what that means is  
25 somebody, you know, flagging or reporting a Dropbox link  
26 to Dropbox themselves. Another means, at the time, could

1 be through, you know, industry-wide detection methods.  
2 Like, a very common one is called PhotoDNA, which uses  
3 hash-matching technology. I can't think of other means  
4 at the moment.

5 Q. Does the information by Dropbox include the  
6 date and time when the file was accessed or downloaded or  
7 uploaded?

8 A. I'm not sure at the moment.

9 Q. Do you know by looking at Exhibit A [sic] or  
10 some other record when the reviewer actually received the  
11 report regarding the files that were the subject of the  
12 CyberTip?

13 A. Could you rephrase?

14 Q. Sure.

15 Do you know when the reviewer who reviewed the  
16 files that resulted in the CyberTip that's  
17 Exhibit Number 1 actually conducted their review?

18 A. At this moment in time, I don't know.

19 Q. Other than the answer "Yes" regarding "Did ESP  
20 view entire contents of uploaded file," is any other part  
21 of the information contained in Exhibit A -- strike  
22 that -- of Section A of Exhibit 1 automatically  
23 generated?

24 A. Upon classifying and reviewing content, if it  
25 is true CSAM, things like an IP address would be  
26 populated just in the same way that the answer "Yes"

1 would be populated.

2 Q. One of the things that they have for each file  
3 is "Did Reporting ESP view the EXIF of uploaded file?"  
4 Do you see that?

5 A. Yes. And it says the information is not  
6 provided by the company.

7 Q. Right. Does the EXIF file indicate when the  
8 image or video was created or when it was reviewed?

9 MS. DAVIS: Objection. Relevance.

10 THE COURT: Yeah. I'm not sure what an EXIF  
11 file is.

12 Q. BY MR. BARTON: Then let me try this question:  
13 Can you tell us what an EXIF file is?

14 THE COURT: Thank you.

15 THE WITNESS: I actually can't. It doesn't  
16 look like it's information provided.

17 THE COURT: That is, when you say "It doesn't  
18 look like it's information provided," by Dropbox?

19 THE WITNESS: I'm assuming when it says not  
20 provided by company, "company" here is referring to  
21 Dropbox.

22 THE COURT: Thank you.

23 You have to remember you guys have the  
24 advantage of looking at that. I'm in the dark over here.  
25 Thank you.

26 Q. BY MR. BARTON: Do you know whether the

1 reviewer who is reviewing the material has access to this  
2 EXIF file?

3 MS. DAVIS: Objection. Relevance. Lack of  
4 personal knowledge.

5 THE COURT: Yeah. I'm not sure it is relevant  
6 because if I understand correctly, the document indicates  
7 that that file is not created by Dropbox. So I'm not  
8 sure what is it they're accessing.

9 Q. BY MR. BARTON: Do you know what an EXIF file  
10 is?

11 MS. DAVIS: Same objection.

12 THE COURT: That's overruled because it may be  
13 foundational to the whole thing. I don't know.

14 THE WITNESS: No.

15 THE COURT: You folks have the disadvantage of  
16 coming into the most computer illiterate courtroom in the  
17 entire building.

18 MR. BARTON: I have no further questions for  
19 this witness.

20 THE COURT: Thank you.

21 Anything else, Ms. Davis?

22 MS. DAVIS: Very briefly, Your Honor.

23 THE COURT: Please go ahead.

24 **REDIRECT EXAMINATION**

25 Q. BY MS. DAVIS: Is it Dropbox's policy and  
26 procedure that the reviewer review the entirety of the

1 file?

2 MR. BARTON: Objection. Vague as to time.

3 THE COURT: I'm assuming it's based on -- the  
4 question is based on his current knowledge and his  
5 understanding that the procedures haven't changed.

6 Is that the thrust of your question, ma'am?

7 MS. DAVIS: Yes, Your Honor.

8 THE COURT: I'll allow it. Go ahead.

9 THE WITNESS: Yes.

10 Q. BY MS. DAVIS: And lastly, then, from looking  
11 at People's 1, is it your opinion that this is, in fact,  
12 a CyberTip generated or the information contained within  
13 generated from the Dropbox legal team?

14 A. The information in this CyberTip?

15 Q. So basically is this a CyberTip that was  
16 generated based on information from Dropbox?

17 A. Yes.

18 MS. DAVIS: Nothing further, Your Honor.

19 THE COURT: All right. Thank you.

20 Mr. Barton, anything else?

21 MR. BARTON: Yes.

22 **RECROSS-EXAMINATION**

23 Q. BY MR. BARTON: Exhibit 1 isn't a Dropbox file,  
24 isn't a Dropbox document; correct?

25 MS. DAVIS: Objection. Asked and answered.

26 THE COURT: Yeah. I'm aware it's not a Dropbox

1 file.

2 Q. BY MR. BARTON: And some of the material  
3 contained in this was not created by Dropbox?

4 MS. DAVIS: Objection. Asked and answered.

5 THE COURT: Yeah. Sustained. We already have  
6 those in.

7 MR. BARTON: All right.

8 THE COURT: It's -- the tip is generated based  
9 on information from Dropbox, but not everything in the  
10 tip was provided by Dropbox.

11 MR. BARTON: Right.

12 THE COURT: Even somebody as slow as me could  
13 keep up with that.

14 MR. BARTON: The purpose of my asking was to  
15 try to show that this doesn't qualify as a business  
16 record of Dropbox.

17 THE COURT: No, I understand that.

18 MR. BARTON: Then I have no further questions.

19 THE COURT: All right. Thank you.

20 Anything else then, ma'am?

21 MS. DAVIS: No, Your Honor.

22 THE COURT: May this witness be excused?

23 MS. DAVIS: Yes, Your Honor.

24 MR. BARTON: Yes, Your Honor.

25 THE COURT: Thank you very much, Mr. Wulff. We  
26 appreciate the time you've given us and your patience



1 with all of us. You are excused.

2 (Conclusion of excerpted proceedings.)

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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I, JACQUELYN HAUPT, CSR, RPR, certify that I am a Certified Shorthand Reporter and that I recorded verbatim in shorthand writing the following proceedings completely and correctly to the best of my ability.

COURT: SUPERIOR COURT OF THE  
STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF SAN MATEO.

JUDGE: HONORABLE DONALD J. AYOOB.

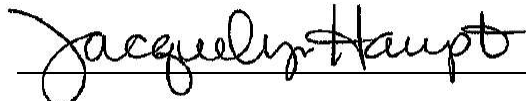
ACTION: THE PEOPLE OF THE STATE OF  
CALIFORNIA, Plaintiff, versus  
ALEXANDER LEVY, Defendant,

Case No. 21-SF-006855-A.

DATE: THURSDAY, NOVEMBER 17, 2022.

I further certify that I have caused said shorthand writing to be transcribed into typewriting by Computer-Aided Transcription, and that the preceding pages 1 through 50, inclusive, constitute an accurate and complete transcription of my shorthand writing for the action and date specified above.

Dated: Monday, August 7, 2023.

A handwritten signature in black ink, reading "Jacquelyn Haupt", written over a horizontal line.

JACQUELYN HAUPT, CSR, RPR  
CSR License No. 13964